

**REGULAR MEETING OF THE
BRIGHAM CITY COUNCIL
APRIL 30, 2009**

PRESENT:	Reese Jensen	Mayor Pro Tem
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember (<i>arrived at 7:55 p.m.</i>)

ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Ben Boyce	Leisure Services Director
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Blake Fannesbeck	Public Works Director
	Nancy Jo Green	Senior Center Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Sarah Lundberg	Museum-Gallery Director
	Jason Roberts	Finance Director
Paul Tittensor	Chief of Police	

EXCUSED:	LouAnn Christensen	Mayor
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Mayor Pro Tem Jensen called the meeting to order and excused Mayor Christensen. He also excused Councilmember Marabella who would be late. The Reverence Period was given by Councilmember Christensen. The scouts in the audience led the Pledge of Allegiance. A motion to approve the minutes of April 6, 14 and 20, 2009 Budget Work Sessions was made by Councilmember Christensen. The motion was seconded and carried. Mayor Christensen presented the agenda as follows:

**PUBLIC COMMENT
CONSENT**

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

PUBLIC HEARING

Brigham City Annexation Policy Plan

SCHEDULED DELEGATION

Proclamation Declaring May Foster Parent Appreciation Month

Update on Peach Days

Youth City Council Annual Report

Request for Donation of Bark and Compost for Community Garden

Request to Waive Building Permit Fees for Community Pantry Addition

NEW BUSINESS

Proclamation Declaring May Older Americans Month

Swimming Pool Annual Report and Presentation of 2009 Marketing Plan

Request to Approve Funds for the Demolition of the Equitable Life Building Located at 52 North Main Street

UNFINISHED BUSINESS

Facilities Committee Report

PLANNING COMMISSION BUSINESS

Amendment to Amendment No. 1, Georgia Estates Subdivision

Request for Approval of Ordinance Amending Section 29.13.060, Landscaping, Pertaining to Tree Requirements and Standards

MAKING LIFE BETTER - DEPARTMENT REPORTS

OTHER BUSINESS

Railroad Update

Pandemic Flu Update (*added*)

CLAIMS

Payment Register

Councilmember Ericson made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PUBLIC COMMENT

There were no comments from the public.

CONSENT

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

A list of accounts totaling \$4,664.65 was presented to be removed from the City's system due to the customer taking out bankruptcy or being sent to collections.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Christensen, seconded by Councilmember Ruth Jensen and unanimously carried.

PUBLIC HEARING

Brigham City Annexation Policy Plan

Mr. Jared Johnson came forward and indicated on a map the area included in the proposed annexation policy plan. The only change is in the northwest area of the City. It includes some of the area where the Wakegan pipeline was installed. They have met with each surrounding community. During the public comment period they have not received any comments nor have they received any comments from any affected entities.

The policy plan stipulates how projects will be funded, how services will be provided and how they will be paid for. The annexation goes to the Bear River and borders Corinne. Brigham City and Corinne overlaps, as well as Mantua. This is allowed by State law. Those in that area can petition either City for annexation.

A motion to open the public hearing was made by Councilmember Ericson, seconded by Councilmember Ruth Jensen and carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Ericson, seconded and carried.

MOTION: Councilmember Ericson moved to approve the resolution adopting the annexation policy plan, seconded by Councilmember Christensen. Voting was as follows:

Councilmember Christensen - aye

Councilmember Ericson - aye

Mayor Pro Tem Jensen - aye

Councilmember Ruth Jensen - aye

The motion carried 4-0.

SCHEDULED DELEGATION

Proclamation Declaring May Foster Parent Appreciation Month

The individual who requested this item on the agenda was not in attendance.

Update on Peach Days

Monica Holdaway, Chamber Director, reported that they have over 4,000 volunteer hours to make Peach Days possible. Last year they received advertising on Studio 5 on Channel 5, Channel 4 Good Things Utah, Standard Examiner articles and advertising, advertisement in the Leader, full page ad in the Box Elder County Fair Book, Homes Today Show and At Your Leisure. Brigham City is known for Peach Days throughout the state. Jon Schmidt will be the main entertainer this year. They are upgrading the stage with a cover and more lights. They are redoing the float this year and volunteers will be needed. She expressed appreciation to City staff for all their help and to the Mayor and Council for their support.

Youth City Council Annual Report

The Youth City Council gave a presentation on the highlights from the past year. They performed various service projects each month. In the past year they placed flags on the graves of veterans on Memorial Day, coordinated a raffle and fund raiser for the Christensen Dance Academy at the Heritage Arts Festival, assisted with the Jr. Peach Queen Pageant, did a major yard clean up for an elderly lady, helped with painting various aspects of Brigham City's Christmas Village, helped with a rummage bake sale for the Box Elder Food Pantry, assisted with ticket sales and promotion of the Thurl Bailey Christmas Concert to promote the Christensen Dance Academy, painted at the local Women's Shelter, sorted and shelved children's books at the Children's Fest.

Being part of the YCC gives youth the opportunity to acquire a great knowledge and appreciation for the political system through active participation and various government speakers, tour local government entities and attend City Council meetings.

This year they took a tour of the EMS building, learned about the new electronic voting machines and the role of the County Recorder, and had a tour of the Police Department.

They were privileged to attend the Youth City Council Leadership Institute in Logan with over 400 other youth. At the conference this year they presented a work shop on a newly passed social liability law, which is adults being fined for providing underage minors with alcohol. They taught the youth in their workshop about this new law and the effects of drinking alcohol. They took 2nd place in the City Council challenge.

The YCC expressed appreciation to the City Council for their support.

Request for Donation of Bark and Compost for Community Garden

Lori Hunsaker came forward and introduced Jill Rasmussen from USU, JeuneElle Jeffries from the Boys & Girls Club, Erin Young from the News Journal, and Linda Hansen of the Brigham City Community Pantry. Ms. Hunsaker said they would like to get a community garden started for several reasons. It would provide community involvement and allow those residents that do not have the opportunity to have their own gardens to have a place for a garden plot. It would be on the northwest side of the Lincoln Center. The Boys & Girls Club will host the project. They will need volunteers to till and break up the dead grass. Then they would like some of the Brigham City compost to enrich the soil and some bark for the walk paths. There will be fourteen 10' X 10' plots for sale for \$10 each.

MOTION: Councilmember Christensen moved to authorize the City to donate compost and bark toward a community garden. The motion was seconded by Councilmember Ruth Jensen and unanimously carried.

Request to Waive Building Permit Fees for Community Pantry Addition

Ms. Linda Hansen came forward and stated that the Pantry went through the City to apply for a Community Development Block Grant (CDBG) in late 2007. They wrote another grant for the remaining balance. They received \$63,637 from CDBG and \$13,784 from the Emergency Food Network for a total of \$77,421. Their expenses add up to \$76,181, leaving a balance of \$1,240, which they hope will pay to cut holes in their existing building and to seal around the cuts between the walk-in units and the building.

Mr. Jared Johnson joined Ms. Hansen at the table and stated that the building permit fees will be approximately \$619.82. He explained that this is a unique situation because the City sponsored them for the CDBG.

MOTION: Councilmember Ericson made a motion to waive the building permit fees for the Brigham City Community Pantry, seconded by Councilmember Christensen and unanimously carried.

NEW BUSINESS

Proclamation Declaring May Older Americans Month

Ms. Nancy Green read a proclamation for Older Americans Month and requested Council approval to declare May Older Americans Month.

MOTION: A motion to approve the proclamation declaring May Older Americans Month was made by Councilmember Christensen, seconded by Councilmember Ruth Jensen and unanimously carried.

Swimming Pool Annual Report and Presentation of 2009 Marketing Plan

Mr. Jay Anderson introduced the following market plan for 2009:

1. All rates will remain the same
2. Tuesday-Thursday will be a two for the price of one entrance to the pool starting at 6:00 p.m.
3. \$5 off punch pass coupon that comes in the utility bill will be offered again.
4. Monday night will be family night with half price or \$15 per family starting at 5:00.
5. Pool party for local school students that come to the pool in the month of June.
6. Pool party for most students from outlying schools that come to the pool.
7. Stinger card
8. Internet coupons
9. Customer appreciation bounce back in August.

Mr. Anderson reported that two guards received the Golden Guard award. The Brigham City Pool received the Platinum International Aquatic Safety Award in 2008. This prestigious award is given to swimming facilities that exceed the organization's criteria for aquatic safety certification during a given year.

MOTION: Councilmember Christensen made a motion to approve the swimming pool 2009 marketing plan, seconded by Councilmember Ericson and unanimously carried.

Request to Approve Funds for the Demolition of the Equitable Life Building Located at 52 North Main Street

Mr. Fannesbeck and Mr. Pugsley came forward. Mr. Fannesbeck said they are concerned with the condition of The Equitable Life Building. The roof is in very bad shape and they are fearful it will collapse. They recommended the building be demolished as soon as possible. They estimate it will cost \$20,000, depending on whether asbestos needs to be removed. This is in the 2009-10 budget. If the Council authorizes the demolition now the money could come from fund balance and then paid back in July with the budgeted money.

MOTION: Councilmember Ericson moved to approve funds for the demolition of the Equitable Life Building and that the funds come out of fund balance this year and repaid as soon as the new fiscal year begins. The motion was seconded by Councilmember Marabella and unanimously carried.

UNFINISHED BUSINESS

Facilities Committee Report

Mr. Leonard reported that the committee interviewed four consultants. Subsequent to that, the committee met with Peter Moyes of MHTN and came up with a different concept.

Mr. Moyes indicated on a plan drawing that one of their concepts is to construct a new building north of the current City Hall with the front on Main Street and frame Academy Square. However, it would probably not house all the needed City functions.

An alternate position for a new building is on the east side of Academy Square. This would be a 20,000 sq ft building. These two buildings together would provide the space needed for the overall project. Sometime in the future another building could be constructed with a walking corridor to connect the existing City Hall with the new City Hall, with another corridor to link the library to a pedestrian spine and into Academy Square. The

existing City Hall would work well as a museum. By creating a linking corridor through this space, there could be a common entry to both the museum and City Hall.

The bottom floor of the new building would house Leisure Services, Community Development and Public Power with access from Main Street. The second floor would hold the Mayor's Office, City Council, and Economic Development. Human Resources, Finance Department and the Council Chambers would be located on the top floor. The gallery would connect the new City Hall with the Police Department Building and the Museum.

The Committee also discussed finance options. Nine months ago the estimate for a new City Hall was \$7.8-\$15 million, depending on which scenario is chosen. In the current economy, Phase I, which is the building immediately behind City Hall, would be approximately \$6 million. Phase II, the Police Building, would be about \$3.5 million. Every aspect of the project, including furniture, design fees, inspections, etc. is estimated at \$11,000,000. The cost of the project has dropped nearly \$3.5 million.

The Committee discussed parking at length. It is hoped there can be a shared use with the County's parking lot. There are two rows of parking planned between the Library and the proposed Police Building. Before Phase II begins that entire area can be used as a parking lot. In the long term, it was felt the northeast corner of the block could be future parking and the possibility of angle parking on 100 East on both sides of the road.

The Committee felt that this solution creates a downtown campus, a sense of place.

Mr. Moyes stated that he has had several developers ask him about this project. He explained to them that no decision has been made. However, they all said they would be willing to finance the project with the first payment due the first day the building is used.

MOTION: Councilmember Ericson made a motion to approve this in concept and schedule a work session to discuss further. The motion was seconded by Councilmember Ruth Jensen. Mr. Leonard asked if the Council would authorize one of the councilmembers to talk to the County to see if they are interested in joining with the City on this project and maybe attend the work session. The Council authorized Councilmember Ericson to talk to the County. Voting was unanimous in favor.

The Council scheduled a work session for Tuesday, May 5 at 7:30 a.m. to discuss this further.

PLANNING COMMISSION BUSINESS

Amendment to Amendment No. 1, Georgia Estates Subdivision

Mr. Mark Bradley and Ms. Joan Peterson, Planning Commission Chair, came to the table. Mr. Bradley explained that this amendment includes some adjustments to the footprints and the common area.

MOTION: Councilmember Christensen made a motion to approve the amendment to the Amendment No. 1, Georgia Estates Subdivision, seconded by Councilmember Marabella and unanimously carried.

Request for Approval of Ordinance Amending Section 29.13.060, Landscaping, Pertaining to Tree Requirements and Standards

Mr. Bradley reported that the Planning Commission contacted other Northern Utah communities to see how they handle tree requirements. They also reviewed recent projects in Brigham City to analyze what would be a fair ratio.

This amendment also modifies the height of evergreen trees. The Planning Commission was not in agreement on this. Some felt a more mature tree should be required; others felt evergreen trees should be encouraged, therefore a shorter tree should be allowed because it is less costly. Mr. Bradley said they looked at Provo's guidelines and they allow for relief for developers. If that particular plan did not work for their unique

circumstances they could request a modification from the Planning Commission. This could be due to the soil type or the shape of the parcel.

The Planning Commission felt these guidelines would create a standard for developers to know what is expected of their development.

Councilmember Marabella felt the City should involve developers in this amendment. Brigham City already has a reputation of being difficult to work with. He did not want this to be another issue. He wondered if this is consistent with what developers are doing already. Mr. Bradley explained that the Planning Commission reviewed several recent developments and they all met or exceeded these guidelines.

MOTION: Councilmember Ericson made a motion to approve the ordinance amending Section 29.12.060, Landscaping, Pertaining to Tree Requirements and Standards. The motion was seconded by Councilmember Ruth Jensen. Voting was as follows:

Councilmember Christensen - aye
Councilmember Ericson - aye
Mayor Pro Tem Jensen - aye
Councilmember Ruth Jensen - aye
Councilmember Marabella - aye

MAKING LIFE BETTER - DEPARTMENT REPORTS

Recreation Participation Numbers

Ms. Kristy Law came forward and reported that the last day for summer registrations was April 30. They have 300 youth signed up for T-ball, or 30 teams. Awesome Adventures was full with 65 participants in two hours. They opened up another bus and they are within three people of filling it. This is the current trend in Recreation. All programs in the last twelve months have been full. They contribute this to the current economy. In addition to City functions, the parks are also used for AYSO soccer and Little League football, etc .

SWAT Team

Chief Tittensor reported that the SWAT Team has participated in a training exercise in Wendover along with 5-6 other SWAT teams from Nevada and Utah. In the final exercise, the Box Elder team took second place.

OTHER BUSINESS

Railroad Update

Mayor Pro Tem Jensen stated that he and Bruce Leonard met with representatives from the Union Pacific Railroad. Their purpose was to talk to them about the railroad switching on West Forest Street. They said the level of traffic on the railroad Street has actually decreased because of the economy. One question they asked them was why they don't do their switching at night. The RR said there is a safety issue with employees because they cannot see to walk along the railcars. They agreed to look at installing lighting. They also talked to them about the possibility of moving all their switching to one side. They explained that they do not have the property to do that. Mr. Jeff Moore agreed to come down from Pocatello and do a personal assessment of the yard. The City agreed to put in some traffic counters to determine when the peak traffic flow is. The RR agreed to look at this data and see if they can adjust their switching time to coincide with that. They also agreed to look into pushing their switching further to the north. The RR told Mayor Pro Tem Jensen and Mr. Leonard that they are obligated to participate at least 5% towards any permanent solution, such as an overpass. The RR has spent \$200,000 to clean up this yard.

Pandemic Flu Update

Mr. Jim Buchanan reported that it has been confirmed that there are cases of the H1N1 flu in Utah. Dispatch has received dispatch protocols and there will be an emergency meeting of the Advisory Board on Tuesday to prepare to put those in place should it be needed. The Fire Department and EMS have completed their protocols as to how they will protect themselves in transporting patients. Law enforcement has been given a checklist to protect themselves. There is a supply of Tamiflu in Logan reserved for Brigham City employees. The State of Utah has requested their 25% of the strategic stockpile which the federal government stores.

These supplies include not only the Tamiflu but also masks, respirators, gowns and bedding. Brigham City has enough gowns, masks, respirators and gloves on hand for all City employees. He receives daily briefings from the Bear River Health Department. There are three links on the City's website where people can get up-to-date information. He advised employees to wash their hands, go to the doctor if symptoms occur and if they are sick to stay home.

CLAIMS

Payment Register

Both Councilmember Marabella and Councilmember Christensen reviewed claims in the last month. Councilmember Marabella moved to approve General Claims dated April 14, 2009 in the amount of \$881,366.05; Miscellaneous Claims dated March 2009 for \$149,599.71; April 7, \$251,824.60. Councilmember Christensen reviewed claims dated April 21 for \$109,849.69; April 28, \$172,533.62. Councilmember Christensen moved to approve claims. The motion was seconded and carried.

A motion to adjourn to an Executive Session was made by Councilmember Christensen. The motion was seconded and carried unanimously. The meeting adjourned at 10:00 p.m. The Council returned to an open meeting at 11:20 p.m. and adjourned.